

Criminal Penalty Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 4 absent

General Description:

This bill addresses criminal penalties.

Highlighted Provisions:

This bill:

- reduces the criminal offense of operating a vehicle at a speed greater than 20 miles per hour in a school zone from a class C misdemeanor to an infraction if the person is operating the vehicle from 21 miles per hour to 29 miles per hour;
- repeals the criminal offense of operating a motor vehicle without an owner's or operator's security;
- increases the penalty for the criminal offense of failing to have evidence of an owner's or operator's security for the motor vehicle an individual is operating from an infraction to a class C misdemeanor;
- reduces the penalty for the criminal offense of careless driving from a class C misdemeanor to an infraction; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-604, as last amended by Laws of Utah 2024, Chapter 346

41-6a-1715, as last amended by Laws of Utah 2021, Chapter 120

41-12a-303.2, as last amended by Laws of Utah 2024, Chapter 236

31 **41-12a-804**, as last amended by Laws of Utah 2025, Chapter 285

32 **77-40a-101**, as last amended by Laws of Utah 2025, Chapters 173, 239

33 REPEALS:

34 **41-12a-302**, as last amended by Laws of Utah 2015, Chapter 412

35

Be it enacted by the Legislature of the state of Utah:

36 Section 1. Section **41-6a-604** is amended to read:

37 **41-6a-604 . Maximum speed in a school zone -- Penalty -- Minimum fines --**
38 **Compensatory service -- Waiver -- Recordkeeping.**

39 (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a
40 reduced speed school zone as defined in Section 41-6a-303.

41 (2)(a) [A] Except as provided in Subsection (2)(b), a violation of Subsection (1) is an
42 infraction subject to the minimum fine described in Subsection (3)(a).

43 (b) A violation of Subsection (1) is a class C misdemeanor [and] if the vehicle speed is
44 30 miles per hour or more and subject to the minimum fine[:] described in Subsection
45 (3)(a).

46 (3)(a) The minimum fine for a violation of Subsection (1):

47 (i) for a first offense shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 260
30 - 39 MPH	\$ 420
40 MPH and greater	\$ 760

53 (ii) for a second and subsequent offense within three years of a previous conviction
54 or bail forfeiture shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 320
30 - 39 MPH	\$ 560
40 MPH and greater	\$ 960

55 (b)(i) Except as provided under Subsection ~~[(2)(a)(ii)]~~ (3)(a)(ii), the court may order
56 the person to perform compensatory service in lieu of the fine or any portion of
57 the fine.

58 (ii) The court shall order the person to perform compensatory service observing a

crossing guard if the conviction is for a:

(A) first offense with a vehicle speed of 30 miles per hour or more; or

(B) second and subsequent offense within three years of a previous conviction or bail forfeiture.

(iii) The court may waive the compensatory service required under Subsection [

(2)(b)(ii)] (3)(b)(ii) if the court makes the reasons for the waiver part of the record.

[(3)] (4) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

[(4)] (5) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Section 2. Section **41-6a-1715** is amended to read:

41-6a-1715 . Careless driving defined and prohibited.

(1) A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:

(i) searching for an item in the vehicle; or

(ii) attending to personal hygiene or grooming.

(2) A violation of this section is [~~a class C misdemeanor~~] an infraction.

(3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(7).

Section 3. Section **41-12a-303.2** is amended to read:

41-12a-303.2 . Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

(a) "Division" means the Motor Vehicle Division of the State Tax Commission.

(b) "Registration materials" means the evidences of motor vehicle registration, including

all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2)(a)(i) A person operating a motor vehicle shall:

(A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and

(B) display it upon demand of a peace officer.

(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:

(A) a government-owned or leased motor vehicle; or

(B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

(iii) A person operating a vehicle that is owned by a rental company, as defined in Section 31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section 31A-22-311.

(b) Evidence of owner's or operator's security includes any one of the following:

(i) a copy of the operator's valid:

(A) insurance policy;

(B) insurance policy declaration page;

(C) binder notice;

(D) renewal notice; or

(E) card issued by an insurance company as evidence of insurance;

(ii) a certificate of insurance issued under Section 41-12a-402;

(iii) a certified copy of a surety bond issued under Section 41-12a-405;

(iv) a certificate of the state treasurer issued under Section 41-12a-406;

(v) a certificate of self-funded coverage issued under Section 41-12a-407; or

(vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.

(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.

(d)(i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:

- 131 (A) a hard copy format; or
132 (B) an electronic format using a mobile electronic device.
- 133 (ii) If a person provides evidence of owner's or operator's security in an electronic
134 format using a mobile electronic device under this Subsection (2)(d), the peace
135 officer viewing the owner's or operator's security on the mobile electronic device
136 may not view any other content on the mobile electronic device.
- 137 (iii) Notwithstanding any other provision under this section, a peace officer is not
138 subject to civil liability or criminal penalties under this section if the peace officer
139 inadvertently views content other than the evidence of owner's or operator's
140 security on the mobile electronic device.
- 141 (e)(i) Evidence of owner's or operator's security from the Uninsured Motorist
142 Identification Database Program described under Subsection (2)(b)(vi) supercedes
143 any evidence of owner's or operator's security described under:
- 144 (A) Subsection (2)(b)(i)(D) or (E); or
145 (B) for a motorboat, Subsection 73-18c-304(1)(b).
- 146 (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a)
147 if the Uninsured Motorist Identification Database Program created under Title 41,
148 Chapter 12a, Part 8, Uninsured Motorist Identification Database Program,
149 information indicates that the vehicle or driver is insured.
- 150 (3) It is an affirmative defense to a charge or in an administrative action under this section
151 that the person had owner's or operator's security in effect for the vehicle the person was
152 operating at the time of the person's citation or arrest.
- 153 (4)(a) The following are considered proof of owner's or operator's security for purposes
154 of Subsection (3) and Section 41-12a-804:
- 155 (i) evidence defined in Subsection (2)(b);
156 (ii) a written statement from an insurance producer or company verifying that the
157 person had the required motor vehicle insurance coverage on the date specified; or
158 (iii) a written statement from an insurance producer or company, or provision in an
159 insurance policy, indicating that the policy provides coverage for a newly
160 purchased car and the coverage extended to the date specified.
- 161 (b) The court considering a citation issued under this section shall allow the evidence or
162 a written statement under Subsection (4)(a) and a copy of the citation to be
163 electronically submitted or mailed to the clerk of the court to satisfy Subsection (3).
- 164 (c) The notice under Section 41-12a-804 shall specify that the written statement under

Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.

(5)(a) A person who is convicted of violating Subsection (2)(a)(i)[:]

~~[(i)]~~ is guilty of ~~[an infraction for a first offense]~~ a class C misdemeanor and subject to a fine of:

(i) on the person's first offense, not less than \$400; and

(ii) on the person's second or subsequent offense if committed within three years after the day on which the person committed the first offense, a fine of not less than \$1,000.

~~[(ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense that is committed within three years after the day on which the person commits the first offense and subject to a fine of not less than \$1,000.]~~

(b) A court may waive up to \$300 of a fine charged under Subsection (5)(a) if the person demonstrates that the owner's or operator's security required under Section 41-12a-301 was obtained after the violation but before sentencing.

(6) Upon receiving notification from a court of a conviction for a violation of this section, the department:

(a) shall suspend the person's driver license; and

(b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.

(i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

(ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.

(iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.

(iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Section 4. Section **41-12a-804** is amended to read:

**41-12a-804 . Notice -- Proof -- Revocation of registration -- False statements --
Penalties -- Exemptions -- Sales tax enforcement.**

- (1) Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, or a motorboat is not insured for two consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle or motorboat that the owner has 15 days to provide:
- (a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
 - (b) proof of exemption from the owner's or operator's security requirements.
- (2) Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:
- (a) provide a second notice to the owner of the motor vehicle or motorboat that the owner now has 15 days to provide:
 - (i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
 - (ii) proof of exemption from the owner's or operator's security requirements;
 - (b) for each notice provided, indicate information relating to the owner's failure to provide proof of owner's or operator's security in the database; and
 - (c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.
- (3)(a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2) only apply during the months of April through October.
- (b) For a motorboat, the designated agent shall comply with the requirement described in Subsection (2)(c) year-round.
 - (c) For a notice required under Subsection (1) for a motorboat, the requirement for the Motor Vehicle Division and the designated agent to send notice begins on January 1, 2026.
- (4)(a) The Motor Vehicle Division:
- (i) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
 - (ii) shall provide appropriate notices of the revocation, the legal consequences of

- operating a vehicle with revoked registration and without owner's or operator's security, and instructions on how to get the registration reinstated; and
- (iii) may direct the designated agent to provide the notices under this Subsection (4)(a).
- (b) For a motorboat, Subsection (4)(a) only applies during the months of April through October.
- (5) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle or motorboat under this section may be in addition to an action by a law enforcement agency to impose the penalties under Section ~~[41-12a-302 or]~~ 41-12a-303.2.
- (6)(a) A person may not provide a false or fraudulent statement to the Motor Vehicle Division or designated agent.
- (b) In addition to any other penalties, a person who violates Subsection (6)(a) is guilty of a class B misdemeanor.
- (7) The department and the Motor Vehicle Division shall direct the designated agent to exempt from this section a farm truck that:
- (a) meets the definition of a farm truck under Section 41-1a-102; and
- (b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
- (8) This part does not affect other actions or penalties that may be taken or imposed for violation of the owner's and operator's security requirements of this chapter.
- (9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat may not be in compliance with motor vehicle or motorboat registration or sales and use tax laws, the Motor Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle or motorboat that information exists which indicates the possible violation.
- Section 5. Section **77-40a-101** is amended to read:
- 77-40a-101 . Definitions.**
- As used in this chapter:
- (1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.
- (2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.
- (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

- (4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.
- (5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- (8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.
- (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.
- (10) "Court" means a district court or a justice court.
- (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
- (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
- (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- (15) "Drug possession offense" means:
- (a) an offense described in Subsection 58-37-8(2), except for:
 - (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana;
 - (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility; or
 - (iii) an offense for driving with a controlled substance illegally in the person's body and negligently causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
 - (b) an offense described in Subsection 58-37a-5(1), use or possession of drug paraphernalia;
 - (c) an offense described in Section 58-37b-6, possession or use of an imitation controlled substance; or

(d) any local ordinance which is substantially similar to any of the offenses described in this Subsection (15).

(16)(a) "Expunge" means to remove a record from public inspection by:

(i) sealing the record; or

(ii) restricting or denying access to the record.

(b) "Expunge" does not include the destruction of a record.

(17) "Indigent" means a financial status that results from a court finding that a petitioner is financially unable to pay the fee to file a petition for expungement under Section 78A-2-302.

(18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.

(b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.

(c) "Minor regulatory offense" does not include:

(i) any drug possession offense;

(ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(iii) an offense under Sections 73-18-13 through 73-18-13.6;

(iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or

(v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through (iv).

(20) "Petitioner" means an individual applying for expungement under this chapter.

(21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.

(22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material, regardless of physical form or characteristics, that:

(a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence, incarceration, probation, or parole of an individual; and

(b) is prepared, owned, received, or retained by an agency, including a court.

(23) "Special certificate" means a document issued as described in Subsection 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with the case do not clearly demonstrate whether

the case is eligible for expungement.

(24)(a) "Traffic offense" means:

- (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;
- (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41, Chapter 6a, Traffic Code;
- (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
- (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73, Chapter 18, State Boating Act; and
- (vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i) through (iii).

(b) "Traffic offense" does not include:

- (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
- ~~[(ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's security;]~~
- ~~[(iii)]~~ (ii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;
- ~~[(iv)]~~ (iii) an offense under Sections 73-18-13 through 73-18-13.6; or
- ~~[(v)]~~ (iv) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i)~~[-or (ii)]~~.

(25) "Traffic offense case" means that each offense in the case is a traffic offense.

Section 6. **Repealer.**

This bill repeals:

Section **41-12a-302, Operating motor vehicle without owner's or operator's security --**

Penalty.

Section 7. **Effective Date.**

This bill takes effect on May 6, 2026.